

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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## CIVIL MINUTES - GENERAL

Case No. EDCV 12-1227-CAS (OPx) Date February 7, 2013

Title ELSINORE VALLEY MUNICIPAL WATER DISTRICT V. ALL AMERICAN ASPHALT, ET AL.

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang Not Present N/A

Deputy Clerk Court Reporter / Recorder Tape No.

Attorneys Present for Plaintiffs: Attorneys Present for Defendants

Not Present Not Present

**Proceedings:** **(In Chambers:) DEFENDANT REMEDIAL CIVIL CONSTRUCTIONS, INC.'S COUNSEL'S MOTION TO WITHDRAW AS COUNSEL OF RECORD** (filed January 15, 2013) [Dkt. No. 34]

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of February 25, 2013 is vacated, and the matter is hereby taken under submission.

Local Rule 83-2.9.2.1 allows an attorney to withdraw as counsel only upon leave of court. If withdrawal will cause delay in the case, the court will not allow the attorney to withdraw unless "good cause is shown and the ends of justice require [such relief]." L.R. 83-2.9.2.4. Failure to pay attorneys' fees is normally sufficient grounds for withdrawal. Darby v. City of Torrance, 810 F. Supp. 275, 276 (C.D. Cal. 1992) (citing Liberty-Ellis Island Found., Inc. v. Int'l United Indus., Inc., 110 F.R.D. 395, 397 (S.D.N.Y. 1986)). If withdrawal is allowed, the affected parties then "shall appear pro se or appoint another attorney by a written substitution of attorney." L.R. 83-2.9.2.3.

Counsel for defendant contend that there has been an irretrievable breakdown in the attorney-client relationship between counsel and defendant, such that continued representation is no longer possible. See Dkt. No. 34, Decl. of Asal Nadjarzadeh Shiraz. Defendant's counsel indicate that they have provided notice of their intent to withdraw to defendant on numerous prior occasions. Id. Counsel further note that other parties to this action have been made aware of counsels' intent to withdraw and have not voiced any objection. Id. As such, the Court concludes that counsel have made a sufficient showing

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of good cause, and thus hereby GRANTS defendant's counsels' motion to be relieved as counsel.

Since Remedial Civil Construction is a corporate entity, and as such may not appear *pro se*, defendant's counsel is ordered to inform defendant that it must retain new counsel within **thirty (30) days** of the date this order takes effect. Defendant's counsel shall advise defendant that the failure to retain new counsel or otherwise respond within thirty (30) days may result in the imposition of sanctions or the entry of default. Counsel shall attach a copy of this order to the letter, and shall otherwise comply with all applicable rules of professional responsibility.

IT IS SO ORDERED.

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Initials of Preparer CMJ